

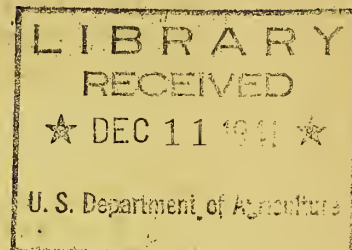
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November 1941

UNITED STATES DEPARTMENT OF AGRICULTURE
Agriculture Marketing Service

PROSECUTIONS AND SEIZURES UNDER THE INTERSTATE
CLAUSE (TITLE II) OF THE FEDERAL SEED ACT
(February 5, 1940 to October 1, 1941; 1-14)



1. False labeling of orchard grass seed. U. S. v. 10 bags of orchard grass seed. Seed seized and ordered destroyed. (F. S. 300)

The U. J. Cover Seed Company, Mt. Gilead, Ohio, delivered for transportation on February 10, 1940, from Mt. Gilead, Ohio, to Spencer, W. Va., 10 bags of orchard grass seed.

On April 25, 1940, a libel was filed in the United States District Court for the Southern District of West Virginia praying seizure of 10 bags of orchard grass seed, and alleging same to be falsely labeled, in violation of the Federal Seed Act, in the following respects:

1. The seed was labeled in part "90% pure" whereas it was found to be 48.52 percent pure seed.
2. The label did not show the percentage of inert matter, the percentage of weed seeds, the percentage of crop seed; lot number or other identification; nor the date of test.

The seed was seized by the United States marshal.

On May 11, 1940, no claimant having appeared, the court ordered that the seed be destroyed.

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2. Failure to label rye seed. U. S. v. 200 bags of rye seed. Seed seized and released under bond. (F. S. 301)

S. F. Ware and Company of Goldsboro, N. C., delivered for transportation on September 12, 1940, from Salisbury, Md., to Wilson, N. C., 200 bags of rye seed.

On October 3, 1940, a libel was filed in the United States District Court for the Eastern District of North Carolina praying seizure of 200 bags of rye seed, and alleging that same did not bear labels as required by the Federal Seed Act. Of the 200 bags of seed, 140 were seized by the United States marshal.

On October 14, 1940, the court ordered that the seed be released to the claimant under bond, with the stipulation that the seed would not be sold contrary to the provisions of the Federal Seed Act.

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3. False labeling of oat seed. U. S. v. 100 bags of oat seed.
Seed seized and released under bond. (F. S. 302)

S. F. Ware and Company, Goldsboro, N. C., delivered for transportation on September 11, 1940, from Jarratt, Va., to Kinston, N. C., 100 bags of oat seed.

On October 17, 1940, a libel was filed in the United States District Court for the Eastern District of North Carolina praying seizure of 100 bags of oat seed, and alleging same to be falsely labeled, in violation of the Federal Seed Act, in that the labeling attached to said seed represented the kind and variety to be "Fulghum Oats," whereas it was found to be a kind and variety known as "Columbia Oats." Of the 100 bags of seed, 10 were seized by the United States marshal.

On December 2, 1940, the court ordered that the seed be released to the claimant under bond, with the stipulation that the seed would not be sold contrary to the provisions of the Federal Seed Act.

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4. False labeling of oat seed. U. S. v. 50 bags of oat seed.
Seed seized and released under bond. (F. S. 303)

S. F. Ware and Company, Goldsboro, N. C., delivered for transportation on September 19, 1940, from Jarratt, Va., to Kinston, N. C., 50 bags of oat seed.

On October 17, 1940, a libel was filed in the United States District Court for the Eastern District of North Carolina praying seizure of 50 bags of oat seed, and alleging same to be falsely labeled, in violation of the Federal Seed Act, in that the labeling attached to said seed represented the kind and variety to be "Fulghum Oats," whereas it was found to be a kind and variety known as "Columbia Oats." Of the 50 bags of seed, 45 were seized by the United States marshal.

On December 2, 1940, the court ordered that the seed be released to the claimant under bond, with the stipulation that the seed would not be sold contrary to the provisions of the Federal Seed Act.

5. False labeling of oat seed. U. S. v. 40 bags of oat seed.
Seed seized and ordered destroyed. (F. S. 304)

S. F. Ware and Company, Goldsboro, N. C., delivered for transportation on September 17, 1940, from Jarratt, Va., to Tarboro, N. C., 40 bags of oat seed.

On October 15, 1940, a libel was filed in the United States District Court for the Eastern District of North Carolina praying seizure of 40 bags of oat seed, and alleging same to be falsely labeled, in violation of the Federal Seed Act, in that the labeling attached to said seed represented the kind and variety to be "Fulghum Oats," whereas it was found to be a kind and variety known as "Columbia Oats." The seed was seized by the United States marshal.

On November 4, 1940, no claimant having appeared, the court ordered that the seed be destroyed after 30 days, providing the claimant did not post bond guaranteeing his compliance with the provisions of the Federal Seed Act. No claimant appeared and the seed was destroyed by the United States marshal.

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6. False labeling of oat seed. U. S. v. 50 bags of oat seed.
Seed seized and released under bond. (F. S. 305)

S. F. Ware and Company, Goldsboro, N. C., delivered for transportation on September 19, 1940, from Jarratt, Va., to Kinston, N.C., 50 bags of oat seed.

On October 17, 1940, a libel was filed in the United States District Court for the Eastern District of North Carolina praying seizure of 50 bags of oat seed, and alleging same to be falsely labeled, in violation of the Federal Seed Act, in that the labeling, attached to said seed represented the kind and variety to be "Fulghum Oats," whereas it was found to be a kind and variety known as "Columbia Oats." Of the 50 bags of seed, 48 were seized by the United States marshal.

On December 2, 1940, the court ordered that the seed be released to the claimant under bond, with the stipulation that the seed would not be sold contrary to the provisions of the Federal Seed Act.

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7. False labeling of barley seed. U. S. v. Grain and Feed Mills Company, St. Louis, Mo. Found guilty. Fine, \$300.00 (F. S. 306)

The Grain and Feed Mills Company, St. Louis, Mo., delivered for transportation on March 27, 1940, from St. Louis, Mo., to Greenville, Ill., 55 bags of barley seed.

On December 26, 1940, information was filed in the United States District Court for the Eastern District of Missouri alleging that the Grain and Feed Mills Company unlawfully advertised, sold, and delivered for transportation in interstate commerce the above-mentioned shipment of seed, in violation of the Federal Seed Act, in the following respects:

1. A price list, which falsely advertised for sale "spring barley," was disseminated through the mail, whereas the product subsequently sold and delivered was a product known commercially as barley malt.
2. The seed was offered for sale after being falsely advertised as "spring barley," whereas the product was processed barley commercially known as barley malt.
3. The label represented the seed as a product with a germination of 90 percent, containing no inert matter, whereas test revealed it had a germination of approximately 1 percent, containing 2.2 percent inert matter.
4. The shipment failed to bear a label showing the percentage of the kind, the kind and variety, or the kind and type of the seed.

On June 18, 1941, the jury returned a verdict of guilty in counts 2, 3, and 4, and on July 8, 1941, the court imposed a fine of \$300.00.

8. False labeling of lespedeza seed. U. S. v. 133 bags of lespedeza seed. Seed seized and released under bond. (F. S. 308)

Joe L. Beard, Lewisburg, Tenn., transported on November 12, 1940, from Lewisburg, Tenn., to Union Springs, Ala., 133 bags of lespedeza seed:

On February 4, 1941, a libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 133 bags of lespedeza seed, and alleging same to be falsely labeled, in violation of the Federal Seed Act, in the following respects:

1. Sixty-seven bags were falsely labeled as to the percentage of pure seed, the percentage of weed seed, the rate of occurrence of noxious-weed seeds; and the identity of the shipper.

2. Twenty-nine bags were falsely labeled as to percentage of pure seed, the percentage of weed seed, and the rate of occurrence of noxious-weed seeds.
3. Thirty-seven bags were falsely labeled as to the rate of occurrence of noxious-weed seeds and the identity of the shipper.

The seed was seized by the United States marshal.

On March 28, 1941, the court ordered that the seed be released to the consignee, he being the only claimant appearing, under bond, with the stipulation that the seed would not be sold contrary to the provisions of the Federal Seed Act.

9. False labeling of collard seed. U. S. v. 36 bags of collard seed. Seed seized and ordered destroyed. (F.S. 309)

The Farmers Peanut Company, Cairo, Ga., delivered for transportation on August 12, 1940, 18 bags of collard seed and on August 23, 1940, another 18 bags of collard seed from Cairo, Ga., to Birmingham, Ala.

On April 4, 1941, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure and condemnation of 36 bags of collard seed, and alleging same to be falsely labeled, in violation of the Federal Seed Act, in the following respects:

1. Eighteen bags were labeled with a germination of 72 percent, whereas the seed was found to germinate 20 percent.
2. The same 18 bags were labeled with a date of test not within the 5-month period previous to delivery of the seed in interstate commerce.
3. Eighteen bags were labeled with a germination of 70 percent whereas the seed was found to germinate 18 percent.

Of the 36 bags of seed, 33 bags of the seed were seized by the United States marshal.

On May 13, 1941, no claimant having appeared, the court ordered that the seed be destroyed.

10. Failure to completely label Bermuda grass seed. U. S. v. 50 bags of Bermuda grass seed. Seed seized and released under bond. (F. S. 311)

The Quick Seed and Feed Company, Phoenix, Ariz., delivered for transportation on February 18, 1941, from New Orleans, La., to Memphis, Tenn., 50 bags of Bermuda grass seed.

On April 1, 1941, a libel was filed in the United States District Court for the Western District of Tennessee praying seizure of 50 bags of Bermuda grass seed and alleging same to be incompletely labeled in accordance with the provisions of the Federal Seed Act, in that the label did not show the percentage of pure seed, the percentage of inert matter, the percentage of weed seeds, the percentage of germination nor the date of test. The seed was seized by the United State marshal.

On April 29, 1941, the claimant appeared and petitioned the court for redelivery of the seed under bond that the seed would not be sold contrary to the provisions of the Federal Seed Act. On May 13, 1941, said seed being relabeled as required, the seed was released to the claimant.

11. False labeling of rye seed. U. S. v. Davis Milling Company, Inc., Norfolk, Va. Plea of guilty. Fine, \$25.00 (F. S. 313)

The Davis Milling Company, Inc., Norfolk, Va., delivered for transportation on September 7, 1940, from Norfolk, Va., to Ahoskie, N.C., 50 bags of rye seed.

On April 15, 1941, information was filed in the United States District Court for the Eastern District of Virginia alleging that the Davis Milling Company, Inc., unlawfully delivered for transportation in interstate commerce the above-mentioned shipment of seed falsely labeled in part "Germination 85%," whereas it was found to be devoid of germinative qualities.

On May 5, 1941, the case was terminated upon a plea of guilty and the court assessed a fine of \$25.00.

12. Failure to label and the misrepresentation of germination of millet seed. Seed seized and ordered sold. (F. S. 315)

The Louisville Seed Company, Louisville, Ky., delivered for transportation on January 29, 1941, from Louisville, Ky., to Dietrich, Ill., 90 bags of millet seed.

On May 7, 1941, a libel was filed in the United States District Court for the Eastern District of Illinois praying seizure of 90 bags of millet seed, and alleging same not to bear labels and to be falsely represented as to germination in violation of the Federal Seed Act. The seed was represented to have a germination of 80 percent, whereas it was found to have a germination of 54 percent. Of the 90 bags of seed, 70 were seized by the United States marshal.

On June 25, 1941, the court ordered that the seed be sold and the proceeds be deposited in the United States Treasury.

13. Incorrect labeling of vegetable seed. U. S. v. 300, more or less, vegetable seed packets. Seed seized and destroyed. (F.S.316)

The Lake Shore Seed Company, Dunkirk, N.Y., on March 25, 1941, transported in interstate commerce through their representative in the District of Columbia, 4 display boxes containing 1,480 packets of vegetable seeds.

On June 23, 1941, a libel was filed in the United States District Court for the District of Columbia praying seizure of approximately 300 packets of this seed, and alleging that the packets were not labeled in accordance with the provisions of the Federal Seed Act, in that the germination percentages were below the standards established by the act and the labeling did not include the percentage of germination, the date of the test, nor the words "below standard." The seed was seized by the United States marshal.

On July 18, 1941, the court ordered that the seed be destroyed.

14. False labeling of Sudan grass seed. U. S. v. 400 bags of Sudan grass seed. Seed seized and released under bond. (F. S. 321)

The Ross-Hicks Grain Company, Fort Worth, Tex., delivered for transportation on May 30, 1941, from Fort Worth, Tex., to Richmond, Va., 400 bags of Sudan grass seed.

On July 8, 1941, a libel was filed in the United States District Court for the Eastern District of Virginia praying seizure of 400 bags of Sudan grass seed, and alleging same to be in violation of the Federal Seed Act, in that it was labeled in part "No Johnson Grass," whereas the seed contained Johnson grass seed in excess of 2 seeds in 2 ounces which is in excess of the rate allowed by the law of the State of Virginia. The seed was seized by the United States marshal.

The court ordered that the seed be released to the claimant under bond that the seed would not be sold contrary to the provisions of the Federal Seed Act.

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